

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA PROFESSIONAL : CIVIL ACTION NO. 1:18-CV-1308
LIABILITY JOINT UNDERWRITING :
ASSOCIATION, : (Chief Judge Conner)
:
Plaintiff :
:
v. :
:
TOM WOLF, in his Official Capacity :
as Governor of the Commonwealth of :
Pennsylvania, et al., :
:
Defendants :

ORDER

AND NOW, this 18th day of December, 2018, upon consideration of the cross-motions (Docs. 36, 39, 43) for summary judgment pursuant to Federal Rule of Civil Procedure 56, and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 39) for summary judgment by the Pennsylvania Professional Liability Joint Underwriting Association (“the Association”) is GRANTED as to the Association’s Takings Clause claim. The balance of the Association’s motion (Doc. 39) is denied as moot.
2. The motion (Doc. 36) for summary judgment by Joseph B. Scarnati, President *Pro Tempore* of the Senate; Jay Costa, Minority Leader of the Senate; Michael Turzai, Speaker of the House of Representatives; and Frank Dermody, Minority Leader of the House of Representatives (together, “the legislative defendants”), is DENIED.
3. The motion (Doc. 43) for summary judgment by Tom Wolf, Governor of the Commonwealth, and Jessica K. Altman, Insurance Commissioner of Pennsylvania (together, “the executive defendants”), is DENIED.

4. It is ORDERED and DECLARED that Sections 3, 4, and 5 of Act 41 of 2018, P.L. 273, No. 41 (“Act 41”), are unconstitutional in violation of the Fifth and Fourteenth Amendments to the United States Constitution, and enforcement thereof is hereby and permanently ENJOINED.
5. The Clerk of Court shall enter declaratory judgment in favor of the Association and against the legislative and executive defendants as set forth in paragraph 4.
6. The Association shall address the nonappearance and failure to plead or otherwise respond of the General Assembly of the Commonwealth of Pennsylvania, (see Doc. 59 at 11 n.2), by separate filing within seven (7) days of the date of this order.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania